

Attorney Docket: 030144  
U.S. Application No.: 10/674,840 Examiner Zhao Art Unit: 2621  
Response to June 18, 2007 Office Action

### **REMARKS**

In response to the Office Action dated June 18, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-20 are pending in this application.

#### **Objections to the Specification**

The Office objected to paragraphs [0002] and [0003] for missing serial numbers. These paragraphs have been amended to include the serial numbers.

As the Office requested, the title has also been amended to "Video Recorder for Motion Detection."

#### **Double Patenting Rejection**

The Office provisionally rejected claims 1-14 and 18-19 for non-statutory obviousness-type double patenting over claims 1-6, 10-12, 16, and 18-20 of co-pending and commonly assigned U.S. Application No. 10/674,995 (Attorney Docket 030264) and further in view of U.S. Patent Application Publication 2002/0191952 to Fiore, *et al.* Claims 15-17 were provisionally rejected for non-statutory obviousness-type double patenting over '995 and *Fiore* and further in view of U.S. Patent Application Publication 2002/0069317 to Chow, *et al.* Claim 20 was provisionally rejected for non-statutory obviousness-type double patenting over '995 and *Fiore* and further in view of U.S. Patent 6,785,905 to Nishioka, *et al.*

Independent claims 1 and 18, however, have been amended. These independent claims recite features that are patentably distinct from U.S. Application No. 10/674,995, *Fiore*, *Chow*, and *Nishioka*. Dependent claims 2-17 and 19-20 incorporate these same distinguishing features. The Office is thus respectfully requested to re-examine claims 1-20.

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Response to June 18, 2007 Office Action**Rejection of Claims 1-7, 12-14 & 18-19 under § 103 (a)**

The Office rejected claims 1-7, 12-14 and 18-19 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2002/0191952 to Fiore, *et al.* in view of U.S. Patent 6,496,607 to Krishnamurthy, *et al.*

These claims, however, cannot be obvious. These claims recite, or incorporate, features that are not taught or suggested by the proposed combination of *Fiore* and *Krishnamurthy*. Independent claim 1, for example, recites "*the set of rules defining a tolerance for motion detection within a region of interest.*" Support for these features may be found at least at paragraph [0028] of the as-filed application. Independent claim 1 also recites "*the set of rules tagging an object within the region of interest with metadata, the metadata describing the object.*" Support for these features may be found at least at paragraph [0028] of the as-filed application. Independent claim 1 also recites "*the set of rules shutting down a heating, ventilating, and air conditioning (HVAC) system when motion is detected.*" Support for these features may be found at least at paragraph [0030] of the as-filed application. Independent claim 1 is reproduced below, and independent claim 18 recites similar features.

1. A video recorder, comprising:

a processor communicating with memory, the memory for storing at least one of i) video data of an event and ii) audio data of the event, the video data comprising a series of picture frames; and

a set of rules stored in the memory, the set of rules specifying at least one of i) multiple regions of interest within a single picture frame and ii) multiple regions of disinterest within the single picture frame, the set of rules dynamically varying a bitrate of the video data associated with each region of interest and with each region of disinterest, the set of rules defining a tolerance for motion detection within a region of interest, the set of rules tagging an object within the region of interest with metadata, the metadata describing the object, and the set of rules shutting down a heating, ventilating, and air conditioning (HVAC) system when motion is detected,

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wherein the video data is stored in the memory according to the bitrate specified by the set of rules.

*Fiore* and *Krishnamurthy* cannot obviate all these features. *Fiore* discusses an event recorder having a "circular storage buffer." U.S. Patent Application Publication 2002/0191952 to *Fiore, et al.* at paragraph [0047]. The circular storage buffer allows the event recorder to extract frames before, during, and after the event. *See id.* at paragraphs [0048] and [0051]. *Krishnamurthy* discloses a system for classifying regions of interest in images. *See* U.S. Patent 6,496,607 to *Krishnamurthy, et al.* at column 2, lines 8-30. The quality of a region of interest may be increased, while the quality may be reduced for regions of non-interest. *See id.* at column 4, lines 10-12. The bitrate of a data stream may be adjusted in accordance with importance. *See id.* at column 6, line 45 through column 7, line 10.

Still, though, *Fiore* and *Krishnamurthy* cannot obviate claims 1-7, 12-14 and 18-19. The proposed combination of *Fiore* and *Krishnamurthy* fails to disclose or suggest many of the features recited in independent claims 1 and 18, from which claims 2-17 and 19, respectively, depend. *Fiore* and *Krishnamurthy*, for example, fail to teach or suggest "*the set of rules defining a tolerance for motion detection within a region of interest.*" *Fiore* and *Krishnamurthy* also fail to teach or suggest "*the set of rules tagging an object within the region of interest with metadata, the metadata describing the object.*" *Fiore* and *Krishnamurthy* also fail to teach or suggest "*the set of rules shutting down a heating, ventilating, and air conditioning (HVAC) system when motion is detected.*" Claims 1-7, 12-14 and 18-19, then, cannot be obvious over *Fiore* and *Krishnamurthy*, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

#### **Rejection of Claims 8-11 under § 103 (a)**

The Office rejected dependent claims 8-11 under 35 U.S.C. § 103 (a) as being obvious over *Fiore* in view of U.S. Patent 6,917,719 to *Krishnamurthy, et al.* The Assignee notes that

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*Krishnamurthy* '719 is a continuation of *Krishnamurthy* '607 (discussed above). Claims 8-11, then, incorporate all the distinguishing features of independent claim 1, as discussed above. Because *Fiore* and *Krishnamurthy* '719 cannot obviate independent claim 1, *Fiore* and *Krishnamurthy* '719 cannot obviate dependent claims 8-11. The Office is thus respectfully requested to remove the § 103 (a) rejection of claims 8-11.

**Rejection of Claims 15-17 under § 103 (a)**

The Office rejected dependent claims 15-17 under 35 U.S.C. § 103 (a) as being obvious over *Fiore* in view of *Krishnamurthy* '719 and further in view of U.S. Patent Application Publication 2002/0069317 to Chow, *et al.* These claims, however, depend from independent claim 1 and, thus, incorporate all the same distinguishing features. As the above paragraphs explained, *Fiore* and *Krishnamurthy* '719 cannot obviate independent claim 1.

Chow does not cure these deficiencies. Dependent claims 15-17 recite features for metadata that describes "*a rule that caused the video data to be stored in the memory.*" The Office cites paragraph [0133] of *Chow* as teaching these features, but the Assignee cannot agree. While paragraph [0133] of *Chow* does mention "metadata," no where does *Chow* teach or suggest "*a rule that caused the video data to be stored in the memory.*" Paragraph [0133] of *Chow* is entirely reproduced below:

[0133] In one embodiment, the memory system 100 is enabled with Extensible Markup Language (XML) format structured documents, and the management module 125 is configured to parse and store data from XML compliant documents according to data type, and to format XML documents into multiple presentation formats using Extensible Stylesheet Language (XSL) templates. For example, an XML metadata tag describing a particular quantity of data as an audio file might cause the XML enabled management module to place that data in a contiguous series of memory addresses to optimize playback, similar to the video example given above. Preferably, the management module 125 is further configured to provide a running total of a specified type of data written to the memory matrix module 105. More preferably, the memory system 100 is capable of

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being synchronized with another XML enabled storage device or data processing system (not shown). This would allow fast real-time XML translation wherein the management module parses, stores, and forwards XML data based on XML metadata tags. One example is where a management module serves as an intermediary translator between two XML enabled data processing systems or storage devices.

U.S. Patent Application Publication 2002/0069317 to Chow, *et al.* at paragraph [0133]. As the Office must now realize, paragraph [0133] of *Chow* does not teach or suggest “a rule that caused the video data to be stored in the memory.” The proposed combination of *Fiore* with *Krishnamurthy* '719 and *Chow*, then, cannot obviate dependent claims 15-17. The Office is thus respectfully requested to remove the § 103 (a) rejection of claims 15-17.

**Rejection of Claim 20 under § 103 (a)**

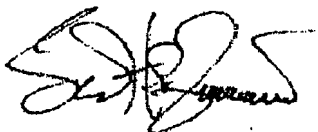
The Office rejected dependent claim 20 under 35 U.S.C. § 103 (a) as being obvious over *Fiore* in view of *Krishnamurthy* '719 and further in view of U.S. Patent 6,785,905 to Nishioka, *et al.* Dependent claim 20, however, depends from independent claim 18 and, thus, incorporates all the same distinguishing features. As the above paragraphs explained, *Fiore* and *Krishnamurthy* '719 cannot obviate independent claim 18, and *Nishioka* does not cure these deficiencies. *Nishioka* discloses a television receiver having a user interface. Still, though, the proposed combination of *Fiore*, *Krishnamurthy* '719, and *Nishioka* fails to teach or suggest many of the features recited in independent claim 18, from which claim 20 depends. One of ordinary skill in the art, then, would not think that dependent claim 20 is obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of claim 20.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman  
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